

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

BRAND LAW PLLC.

Plaintiff,

V.

ANTHONY ALEXANDER, M.D.;
PAIN MEDICINE CENTER OF SE INDIANA LLC;
and the UNITED STATES OF AMERICA

Defendants.

Cause No.:

AMENDED COMPLAINT
FOR INTERPLEADER

AMENDED COMPLAINT FOR INTERPLEADER, DISCHARGE, AND
ATTORNEY'S FEES

Comes now BRAND LAW PLLC and brings this statutory interpleader, discharge, and request for attorney's fee action pursuant to 28 U.S.C. § 1335 against Defendants Anthony Alexander M.D., Pain Center of SE Indiana, LLC, and the United States of America. In support of the same, the Court is shown as follows:

PARTIES

1. Plaintiff Brand Law, PLLC is a limited liability company with its principal place of business located at 3726 N Hall Ste 610, Dallas, Texas, 75219.
2. Defendant Anthony Alexander, M.D. (Alexander) is a citizen of New Albany, Indiana whose last known address is at 3809 Muirfield Dr, New Albany, IN 47150.
3. Defendant Pain Center of SE Indiana, LLC (Pain Center) was an Indiana limited liability company whose sole member, Anthony Alexander, M.D. was and continues to

be a citizen of New Albany, Indiana.

4. Defendant is the United States of America who can be served with process through William Barr, Attorney General of the United States of America, 950 Pennsylvania Avenue, NW, Washington, DC 20530 and Erin Nealy Cox, United States Attorney's Office, 1100 Commerce Street, Third Floor, Dallas, Tx 75242-1699.

I. JURISDICTION AND VENUE

5. This is an action for interpleader pursuant to 28 U.S.C. § 1335.

6. The claimants are of diverse citizenship and the amount in controversy exceeds \$75,000.00.

7. Venue is proper in a federal jurisdiction pursuant to 28 U.S.C. § 1397.

II. BACKGROUND

8. On or about January 2013, Brand Law PLLC began representing Anthony Alexander, Pain Center of SE Indiana and The Pain Medicine and Rehabilitation Center, P.C. in litigation against Origin Healthcare Solutions LLC, SSIMED LLC, and Origin Holdings Inc. (Origin).

9. On or about April 2018, Anthony Alexander's corporation, The Pain Medicine and Rehabilitation Center, P.C. (Pain Medicine) filed a Chapter 11 bankruptcy in the Southern District of Indiana.

10. On August 6, 2018, that court held that Plaintiff was entitled to a 40% contingency fee from the proceeds of any award, settlement, or verdict received by any of the plaintiffs in the Origin litigation separate and apart from any additional expenses or attorneys' fees with said plaintiffs.

11. On December 7, 2018, a jury verdict in favor of the aforementioned plaintiffs was entered against Origin in the amount of \$1,500,000.00.

12. On or about April 2019, Plaintiff negotiated a settlement in the amount of \$1,575,000.00, which exceeded the jury verdict.

13. The Pain Medicine bankruptcy case was closed on or about June 7, 2019.

14. The 40% contingent portion of the blended attorneys fee due to Plaintiff has been paid.

15. Defendant United States of America has filed federal tax liens against Defendant Alexander in Floyd County Indiana and upon information and belief, Plaintiff believes tax liens may also exist against Pain Center and Pain Medicine.

16. On June 17, 2019, the United States of America explicitly agreed that Anthony Alexander's corporation, The Pain Medicine and Rehabilitation Center, P.C. (Pain Medicine), could receive \$300,000 from the litigation proceeds in the Origin litigation.

17. Immediately thereafter, Plaintiff released those funds to the Debtor.

18. Plaintiff has not received all of the attorney's fees due to it for prosecution of the Origin litigation. Plaintiff claims an interest in the balance of \$645,000 in Plaintiff's attorney trust account related to the Origin litigation for unpaid fees in the amount of \$248,500.

19. However, Plaintiff is still in serious doubt and cannot determine the amount owed to the Internal Revenue Service, which is dependent upon both the remaining amount of unpaid tax liability owed by each taxpayer and the percentage amount to be allocated to each of the Plaintiffs in the Origin litigation. Without relief from this Court, Plaintiff is at risk of not honoring filed federal liens, exposing itself to the danger of litigation and multiple payment obligations. As such relief is appropriate pursuant to 28 U.S.C. 2361.

20. Plaintiff stands ready to pay into the Registry of this Court \$396,500 which represents the balance of the amount in its attorney trust account from the Origin litigation after deduction of the \$248,500 of outstanding attorney's fees due from the Origin Plaintiffs' remaining balance as well as the \$300,000 released to the Debtor.

21. WHEREFORE, Plaintiff requests the Court to:

A. Direct Plaintiff to tender amounts owed to the IRS to the Clerk
of this Court and/or the Defendants;

- B.** Direct the Clerk of this Court to deposit the funds in the Registry of the Court to be invested in accordance with the practice of the Registry and to be led therein subject to further Order(s) of the Court;
- C.** Fully and finally discharge and release Plaintiff from any and all liability to Defendants by reason of payment into the Registry of this Court of the \$396,500.00.
- D.** Award Plaintiff its reasonable attorney's fees and court costs, if any, in connection with the filing and prosecution of this Complaint for Interpleader.
- E.** Grant such further relief as may, in its discretion, appear to be proper.

Respectfully submitted this the 20th day of June, 2019.

/s/ Volney Brand
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Pro hac to be filed